

U.S. District Court
North Carolina Middle District (NCMD)
CRIMINAL DOCKET FOR CASE #: 1:21-mj-00048-JLW-1
Internal Use Only

Case title: USA v. SPENCER

Date Filed: 02/08/2021

Other court case number:

1:21MJ00205 DISTRICT OF
COLUMBIA

Assigned to: MAG/JUDGE JOE
L. WEBSTER

Defendant (1)

VIRGINIA MARIE SPENCER

represented by **BRIAN MICHAEL AUS**
POB 1345
DURHAM, NC 27702
919-666-7690
Fax: 919-666-6849
Email: brianauslaw@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

None

Disposition

Highest Offense Level
(Opening)

None

Disposition

Terminated Counts

None

Highest Offense Level
(Terminated)

None

Disposition

Complaints

Rule 5 Arrest

Disposition

Plaintiff

USA

represented by

MEREDITH C. RUGGLES
 UNITED STATES ATTORNEY'S
 OFFICE
 101 SOUTH EDGEWORTH STREET,
 SUITE 400
 GREENSBORO, NC 27401
 336-332-6324
 Fax: 336-333-5381
 Email: meredith.ruggles@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: United States Attorney

Date Filed	#	Page	Docket Text
02/08/2021		3	Arrest (Rule 5) of VIRGINIA MARIE SPENCER. (Kemp, Donita) (Entered: 02/08/2021)
02/08/2021		4	Minute Entry for proceedings held before MAG/JUDGE JOE L. WEBSTER in Durham: INITIAL APPEARANCE IN RULE 5 PROCEEDINGS as to VIRGINIA MARIE SPENCER held on 2/8/2021. Defendant advised of rights and charges; The Government agrees to conditions of release and Defendant attested to Conditions of Release as set out in open court; Defendant instructed to appear via zoom at 1:00 PM on 2/16/2021 with Judge Merriweather in the District of Columbia. Defendant is hereby ordered Released after processing; Order Setting Conditions of Release forthcoming. (AUSA Meredith Ruggles; Counsel for defendant Brian Aus; Proceedings Recorded) (Kemp, Donita) (Entered: 02/08/2021)
02/08/2021	<u>1</u>	5	SEALED FINANCIAL AFFIDAVIT by VIRGINIA MARIE SPENCER. (Kemp, Donita) (Entered: 02/08/2021)
02/08/2021	<u>2</u>	6	ORDER appointing CJA Panel Attorney BRIAN MICHAEL AUS for VIRGINIA MARIE SPENCER. Signed by MAG/JUDGE JOE L. WEBSTER on 2/8/2021. (Kemp, Donita) (Entered: 02/08/2021)
02/08/2021	<u>3</u>	7	WAIVER of Rule 5 & 5.1 Hearings by VIRGINIA MARIE SPENCER. (Kemp, Donita) (Entered: 02/08/2021)
02/08/2021	<u>4</u>	8	Appearance Bond Entered as to VIRGINIA MARIE SPENCER (1) Personal Recognizance Bond. (Kemp, Donita) (Entered: 02/08/2021)
02/08/2021	<u>5</u>	10	ORDER Setting Conditions of Release for VIRGINIA MARIE SPENCER. Signed by MAG/JUDGE JOE L. WEBSTER on 2/8/2021. (Kemp, Donita) (Entered: 02/08/2021)

MIME-Version:1.0
From:ECF@ncmd.uscourts.gov
To:ecf@ncmd.uscourts.gov
Bcc:
--Case Participants: MAG/JUDGE JOE L. WEBSTER (judge_webster@ncmd.uscourts.gov, kimberly_garrett@ncmd.uscourts.gov, pedra_lee@ncmd.uscourts.gov, wanda_williamson@ncmd.uscourts.gov)
--Non Case Participants: Probation Office (duty@ncmp.uscourts.gov), U. S. Marshal's Office (ecf.usmsncm@usdoj.gov, jeannie.helms@usdoj.gov, jessica.williams2@usdoj.gov)
--No Notice Sent:

Message-Id:3350616@ncmd.uscourts.gov
Subject:Activity in Case 1:21-mj-00048-JLW USA v. SPENCER Arrest - Rule 5
Content-Type: text/html

U.S. District Court

North Carolina Middle District

Notice of Electronic Filing

The following transaction was entered on 2/8/2021 at 11:20 AM EST and filed on 2/8/2021

Case Name: USA v. SPENCER
Case Number: 1:21-mj-00048-JLW
Filer:
Document Number: No document attached
Docket Text:
Arrest (Rule 5) of VIRGINIA MARIE SPENCER. (Kemp, Donita)

1:21-mj-00048-JLW-1 Notice has been electronically mailed to:

1:21-mj-00048-JLW-1 Notice will not be electronically mailed to:

MIME-Version:1.0
From:ECF@ncmd.uscourts.gov
To:ecf@ncmd.uscourts.gov
Bcc:
--Case Participants: MEREDITH C. RUGGLES (caseview.ecf@usdoj.gov, laurie.lochner@usdoj.gov, meredith.ruggles@usdoj.gov, shaquitta.johnson@usdoj.gov, usancm.ecfcriminal@usdoj.gov), MAG/JUDGE JOE L. WEBSTER (judge_webster@ncmd.uscourts.gov, kimberly_garrett@ncmd.uscourts.gov, pedra_lee@ncmd.uscourts.gov, wanda_williamson@ncmd.uscourts.gov)
--Non Case Participants: Probation Office (duty@ncmp.uscourts.gov)
--No Notice Sent:

Message-Id:3350665@ncmd.uscourts.gov

Subject:Activity in Case 1:21-mj-00048-JLW USA v. SPENCER Initial Appearance - Rule 5

Content-Type: text/html

U.S. District Court

North Carolina Middle District

Notice of Electronic Filing

The following transaction was entered on 2/8/2021 at 11:47 AM EST and filed on 2/8/2021

Case Name: USA v. SPENCER

Case Number: 1:21-mj-00048-JLW

Filer:

Document Number: No document attached

Docket Text:

Minute Entry for proceedings held before MAG/JUDGE JOE L. WEBSTER in Durham: INITIAL APPEARANCE IN RULE 5 PROCEEDINGS as to VIRGINIA MARIE SPENCER held on 2/8/2021. Defendant advised of rights and charges; The Government agrees to conditions of release and Defendant attested to Conditions of Release as set out in open court; Defendant instructed to appear via zoom at 1:00 PM on 2/16/2021 with Judge Merriweather in the District of Columbia. Defendant is hereby ordered Released after processing; Order Setting Conditions of Release forthcoming. (AUSA Meredith Ruggles; Counsel for defendant Brian Aus; Proceedings Recorded) (Kemp, Donita)

1:21-mj-00048-JLW-1 Notice has been electronically mailed to:

MEREDITH C. RUGGLES meredith.ruggles@usdoj.gov, CaseView.ECF@usdoj.gov, laurie.lochner@usdoj.gov, Shaquitta.Johnson@usdoj.gov, USANCM.ecfcriminal@usdoj.gov

1:21-mj-00048-JLW-1 Notice will not be electronically mailed to:

FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT, OR OTHER SERVICES WITHOUT PAYMENT OF FEES

IN THE UNITED STATES DISTRICT COURT COURT OF APPEALS OTHER (Specify below)

IN THE CASE OF

v. Spencer

FILED

in the Middle District of
North Carolina

February 8, 2021

12:34 pm

Clerk, US District Court
By: dmk

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)

Virginia M. Spencer206 Little Waterfall Drive
Pilot Mountain, NC

CHARGE/OFFENSE (describe if applicable & check box -)

 Felony MisdemeanorDOB: 6/29/83 SS# 240-41-20551 Defendant - Adult2 Defendant - Juvenile3 Appellant4 Probation Violator5 Supervised Release Violator6 Habeas Petitioner7 2255 Petitioner8 Material Witness9 Other (Specify)

DOCKET NUMBERS

Magistrate Judge

District Court

Court of Appeals

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

EMPLOY- MENT	Are you now employed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Self-Employed			
	Name and address of employer: _____			
	IF YES, how much do you earn per month? \$ _____			
INCOME & ASSETS	IF NO, give month and year of last employment? <u>2018</u> How much did you earn per month? \$ <u>8 per hr</u>			
	If married, is your spouse employed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
	IF YES, how much does your spouse earn per month? \$ <u>1600</u>			
OTHER INCOME	IF YES, give the amount received and identify the sources \$ _____			
	RECEIVED <u>760 per month</u> SOURCES <u>publicly for daughter</u>			
	IF YES, give the amount received and identify the sources \$ _____			
CASH	Do you have any cash on hand or money in savings or checking accounts? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No IF YES, total amount? \$ <u>800 - checking</u>			
PROP- ERTY	Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
	IF YES, give value and description for each	VALUE	DESCRIPTION	
		\$ _____	_____	
OBLIGATIONS & DEBTS	DEPENDENTS	MARITAL STATUS Single <input checked="" type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Separated or Divorced	Total No. of Dependents	List persons you actually support and your relationship to them <u>16, 15, 14, 3 y/o twins</u>
	DEBTS & MONTHLY BILLS (Rent, utilities, loans, charge accounts, etc.)	DESCRIPTION	TOTAL DEBT	MONTHLY PAYMENT
		<u>Medical</u> <u>Credit</u> <u>2017</u> <u>Utilities</u> <u>Phone</u>	\$ <u>5,000</u> \$ <u>3,000</u> \$ <u>1,000</u> \$ <u>1,000</u> \$ <u>100</u>	\$ <u>1029</u> \$ <u>135</u> \$ <u>100</u>

I certify under penalty of perjury that the foregoing is true and correct. Virginia SpencerSIGNATURE OF DEFENDANT
(OR PERSON REPRESENTED)

2/8/2021

Date

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA)
)
)
v.) 1:21MJ48-1
)
)
VIRGINIA MARIE SPENCER)

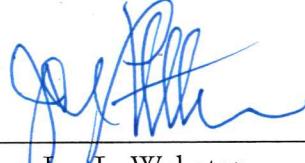
FILED
in the Middle District of
North Carolina
February 8, 2021
12:35 pm
Clerk, US District Court
By: dmk

ORDER

This matter comes before the Court for the appointment of counsel to represent Defendant in this matter. The Court has reviewed Defendant's Financial Affidavit, and concludes that Defendant is financially unable to employ counsel, does not wish to waive counsel, and that the interest of justice require appointment of counsel at the Government's expense.

IT IS THEREFORE ORDERED that CJA Panel Attorney Brian Aus is appointed to represent Defendant in this action.

This, the 8th day of February, 2021.



Joe L. Webster
United States Magistrate Judge

UNITED STATES DISTRICT COURT

for the
Middle District of North Carolina

United States of America

v.

)

Case No. 1:21MJ48-1

VIRGINIA MARIE SPENCER

Defendant

)

Charging District's Case No. 1:21MJ00205

FILED
in the Middle District of
North Carolina
February 8, 2021
12:36 pm
Clerk, US District Court
By: dmk

**WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)**I understand that I have been charged in another district, the (*name of other court*)DISTRICT OF COLUMBIA

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

an identity hearing and production of the warrant.

a preliminary hearing.

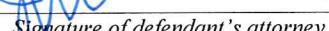
a detention hearing.

an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my
 preliminary hearing and/or detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 02/08/2021

 Defendant's signature


 Signature of defendant's attorney
BRIAN AUS

Printed name of defendant's attorney

UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

United States of America)
 v.)
 VIRGINIA MARIE SPENCER) Case No. 1:21MJ48-1
 _____)
 Defendant)

FILED
 in the Middle District of
 North Carolina

February 8, 2021
 12:37 pm

Clerk, US District Court
 By: dmk

APPEARANCE BOND

Defendant's Agreement

I, VIRGINIA MARIE SPENCER (*defendant*), agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

to appear for court proceedings;
 if convicted, to surrender to serve a sentence that the court may impose; or
 to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

(1) This is a personal recognizance bond.

(2) This is an unsecured bond of \$ _____.

(3) This is a secured bond of \$ _____, secured by:

(a) \$ _____, in cash deposited with the court.

(b) the agreement of the defendant and each surety to forfeit the following cash or other property
(describe the cash or other property, including claims on it – such as a lien, mortgage, or loan – and attach proof of ownership and value):

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

(c) a bail bond with a solvent surety (*attach a copy of the bail bond, or describe it and identify the surety*):

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations

Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

- (1) all owners of the property securing this appearance bond are included on the bond;
- (2) the property is not subject to claims, except as described above; and
- (3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: _____


Defendant's signature

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

Surety/property owner – signature and date

Surety/property owner – printed name

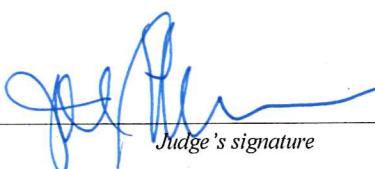
Surety/property owner – signature and date

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Approved.


Judge's signature

Date: _____

UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina

United States of America

v.

)

)

)

Case No. 1:21MJ48-1

VIRGINIA MARIE SPENCER

)

Defendant

)

FILED
in the Middle District of
North CarolinaFebruary 8, 2021
12:38 pmClerk, US District Court
By: dmk

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: DISTRICT OF COLUMBIA (VIA ZOOM)*Place*Meeting ID: 161 8952 5787 / Passcode: 860903 (Further Zoom Instructions Attached)on 2/16/2021 1:00 pm*Date and Time*

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

() (6) The defendant is placed in the custody of:

Person or organization _____

Address (only if above is an organization) _____

City and state _____ Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____
Custodian _____ Date _____

(X) (7) The defendant must:

(X) (a) submit to supervision by and report for supervision to the U.S. Probation Officer as directed (MDNC) telephone number _____, no later than _____.

() (b) continue or actively seek employment.

() (c) continue or start an education program.

(X) (d) surrender any passport to: U.S. Probation Office

(X) (e) not obtain a passport or other international travel document.

(X) (f) abide by the following restrictions on personal association, residence, or travel: Defendant shall not travel outside of the continental United States without Court approval

() (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: _____

() (h) get medical or psychiatric treatment: _____

() (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____

() (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

(X) (k) not possess a firearm, destructive device, or other weapon.

(X) (l) not use alcohol () at all (X) excessively.

(X) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

(X) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

(X) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

() (p) participate in one of the following location restriction programs and comply with its requirements as directed.

() (i) **Curfew.** You are restricted to your residence every day () from _____ to _____, or () as directed by the pretrial services office or supervising officer; or

() (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

() (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.

() (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.

() You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.

(X) (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

(X) (s) Defendant shall stay away from D.C. unless for Court, scheduled Pretrial appointments or consultation appointments with an attorney; Defendant shall call Pretrial Services once per week and verify her address; Defendant shall Participate in all future proceedings as directed; and Defendant shall seek prior approval from Pretrial Services of any travel within the US outside of home jurisdiction.

ADDITIONAL INSTRUCTIONS FOR ZOOM HEARING

Join ZoomGov Meeting

<https://uscourts-dcd.zoomgov.com/j/16189525787?pwd=Wlh3MUY5VTRZTUF SYXM5REliN2UvZz09>

Meeting ID: 161 8952 5787

Passcode: 860903

One tap mobile

+16692545252,,16189525787#,,,,,0#,860903# US (San Jose)

+16468287666,,16189525787#,,,,,0#,860903# US (New York)

Dial by your location

+1 669 254 5252 US (San Jose)

+1 646 828 7666 US (New York)

+1 669 216 1590 US (San Jose)

+1 551 285 1373 US

Meeting ID: 161 8952 5787

Passcode: 860903

ADVICE OF PENALTIES AND SANCTIONS**TO THE DEFENDANT:****YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:**

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.


John Atteweld Jr
Defendant's Signature

City and State

Directions to the United States Marshal

The defendant is ORDERED released after processing.

The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 28/2021
Joe L. Webster
Judicial Officer's Signature

Joe L. Webster, United States Magistrate Judge

Printed name and title

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL